



**Tyler MacEachran
Program Director
MADD Michigan
House Judiciary Committee
In Support of SB 175, SB 176, HB 4979, HB 4980, HB 4981
November 10, 2015**

Thank you Chairman Kesto and members of the committee, for allowing me to testify in support of SB 175, SB 176, HB 4979, HB 4980 and HB 4981. My name is Tyler MacEachran, and I am the Program Director for the Michigan affiliate of Mothers Against Drunk Driving.

Sadly, more than 10,000 families lose someone every year because of drunk driving. In Michigan, 255 people were killed by a drunk driver in 2013, according to the National Highway Traffic Safety Administration. Those who die are children, adults, sons, daughters, husbands, wives, parents, grandchildren and even babies. Drunk drivers don't discriminate. They kill.

MADD's top legislative priority in each state is expanding the use of ignition interlocks for any apprehended drunk driver who seeks driving privileges during a license suspension period. It should be noted 25 states have these laws in place already. In Michigan since October 2010, ignition interlocks are required for repeat offenders and for first-time offenders with a blood alcohol concentration of .17 or greater.

MADD supports the proposals before this committee (SB 175, SB 176, HB 4979, HB 4980, and HB 4981). We believe these measures will ensure the current ignition interlock law is being enforced, and that the best and most effective devices are in use to prevent drunk driving and protect the public.

Ignition interlocks give drunk drivers the opportunity to get back to their daily life, providing they do not attempt to drink and drive. The offender pays for the device, at a cost of around \$2.50 a day.

With an ignition interlock, drivers are monitored every time they get behind the wheel. The first check is when they start the vehicle. If they have alcohol on their breath, the car won't start. The next check comes with rolling retests that occur to make sure the driver is still sober when the car is moving. The third check comes with their monthly maintenance checks at one of the over 200 service centers in Michigan. Interlocks also have cameras to verify who is using the device. The devices are set to identify a pattern of breathing, which makes it difficult to trick the system.

Every step along the way, the driver's condition is monitored with an interlock. We cannot say the same about hardship licenses and suspensions. In fact, we know that 50 to 75 percent of all convicted drunk drivers will continue to drive even on a suspended license.

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC) Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock.

And we also know that the average drunk driving offender has driven drunk at least 80 times before their first arrest. Those numbers alone offer a strong argument for using the best technology available to stop repeat offenses and more tragedy on our roadways.

Widespread use of interlocks is recommended by the Centers for Disease Control and Prevention, the National Highway Transportation Safety Administration and nearly every traffic safety organization, including AAA and the Governors Highway Safety Association.

MADD believes lawmakers must advance these measures to ensure that the current ignition interlock law is working as effectively as possible to stop drunk driving and to protect the public. Thank you for allowing me to speak today on behalf of Mothers Against Drunk Driving. Enclosed with my written testimony is more information on ignition interlocks.

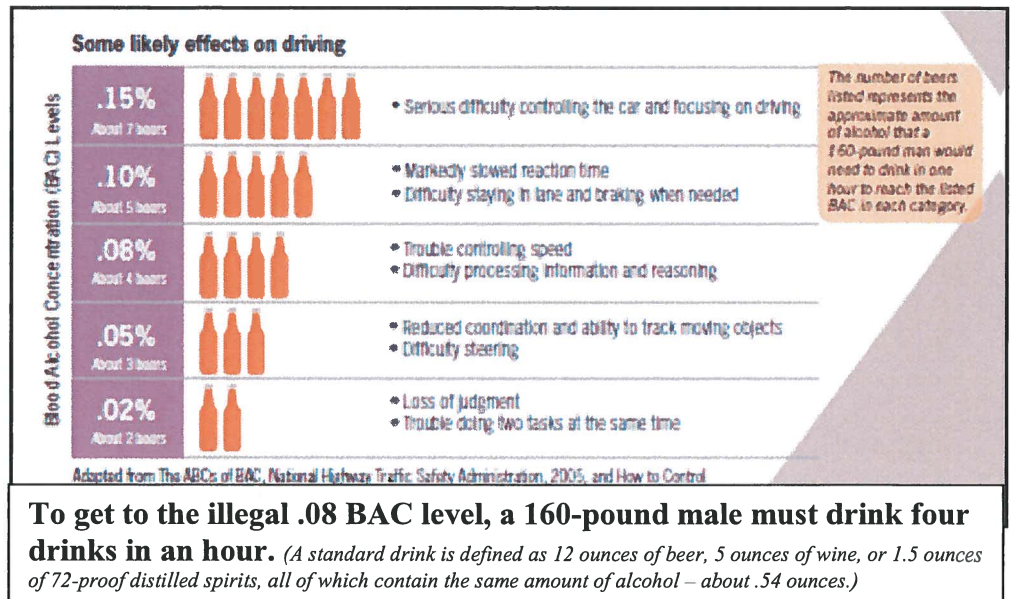


Ignition Interlocks Save Lives

Ignition interlocks are effective in reducing repeat drunk driving offenses by 67 percent while the device is installed compared to license suspension alone. (CDC)

Interlocks help reduce repeat offenses even after the device is removed by 39 percent compared to offenders who never installed an interlock. (Marques, 2010)

First-time offenders are serious offenders. Research from the CDC indicates that first time offenders have driven drunk at least 80 times before they are arrested.



The FACTS

- An interlock is more effective than license suspension alone, as 50 to 75 percent of convicted drunk drivers continue to drive on a suspended license.
- All-offender interlock laws are widespread. Twenty-five states, plus a California pilot program (covering a population of over 13 million) have laws requiring ignition interlocks for all first-time convicted drunk drivers.
- As of July 2013, there were approximately 305,000 interlocks in use in the United States.

Ignition interlock laws saves lives. Due in part to laws requiring interlocks for all convicted drunk drivers, drunk driving deaths have declined dramatically and at a better pace compared to the national average decline:

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|------------------------------------|-------------------------------|---------------------------------|
| ✓ Arizona: 45 percent | ✓ Alaska: 28 percent | ✓ Utah: 22 percent |
| ✓ New Mexico: 40 percent | ✓ Arkansas: 27 percent | ✓ Colorado: 19 percent |
| ✓ Louisiana: 36 percent | ✓ Kansas: 23 percent | ✓ Washington: 18 percent |
| ✓ West Virginia: 35 percent | ✓ Hawaii: 23 percent | |
| ✓ Oregon: 30 percent | | |

Public supports Interlocks for all convicted drunk drivers. Three surveys indicate strong public support of ignition interlocks for all convicted drunk drivers.

- 88 percent (Center for Excellence in Rural Safety, 2010)
- 84 percent (Insurance Institute for Highway Safety, 2009)
- 76 percent (American Automobile Association, 2012)

In addition to MADD, other traffic safety groups support ignition interlocks for all convicted drunk drivers, including all first offenders with an illegal blood alcohol concentration (BAC) of .08 or greater.

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| ○ Advocates for Auto and Highway Safety | ○ Insurance Institute for Highway Safety (IIHS) |
| ○ American Automobile Association (AAA) | ○ International Association of Chiefs of Police (IACP) |
| ○ Auto Alliance | ○ National Safety Council |
| ○ Centers for Disease Control and Prevention (CDC) | ○ National Transportation Safety Board (NTSB) |



Effectiveness of License Suspension with no Ignition Interlock restriction

- License suspension laws led to a 9 percent reduction in drunk driving deaths during late night hours. (*National Highway Transportation Safety Administration, January 2008*).
 - The most conservative study looking at reductions in drunk driving deaths, due in part to Washington state's all-offender interlock law, shows a 12 percent reduction in drunk driving deaths. (*Insurance Institute for Auto and Highway Safety, March 6, 2012*)
- **MADD supports ignition interlocks for all convicted drunk drivers, as interlocks do what license suspension cannot — separate drinking from driving. As a result, interlocks are more effective than the current approach of license suspension, because offenders continue to drive on a suspended license.**
- In 2012 in Florida, there were over 17,000 arrests of offenders driving on suspended license revoked as a result of DUI. In 2009 in California, there were 43,000 arrests for the same offense.
- In 2012 in Wisconsin, there were over 26,000 DWI convictions. Within six months of those convictions, 2,100 offenders were caught driving on a suspended or revoked license.
- With license suspension alone, there is nothing stopping a DUI offender from repeating the offense, which is one reason one-third of first offenders repeat the offense.
- “Observational Study of the Extent of Driving While Suspended For Alcohol-Impaired Driving” (*Anne T. McCartt, Lori L. Geary, William J. Nissen, US DOT, September 2002*)
 - **Reason for Study:** Despite the demonstrated deterrent effects of license removal, there is evidence that some convicted alcohol-impaired driving offenders continue driving after their license has been withdrawn (*Griffin and DeLaZerda, 2000; Wiliszowski et al., 1996; Peck, 1991; Ross and Gonzales, 1988; Jones, 1987*).
 - Study looked at effectiveness of license suspension of 22 DWI offenders residing in Bergen County and 34 offenders living in the city of Milwaukee. Study found that the prevalence of driving while suspended among first-time offenders was high.
 - **88 percent of Milwaukee city residents and 36.4 percent of the Bergen County residents were observed driving on a suspended at least once.** Milwaukee subjects had more problematic driving histories and were significantly more likely to drive while suspended.

An ignition interlock is a device about the size of a cell phone that is wired into the ignition system of a vehicle. A convicted drunk driver must blow into the device in order to start their vehicle. Interlocks are required to meet federal standards set by the National Highway Traffic Safety Administration (NHTSA).

Per NHTSA standards, if an interlock user has a measurable amount of alcohol in their system, the vehicle will not start. It is a simple and economical way to make sure that offenders can drive to and from work, but that they can't drive drunk.

Who pays for the device? Offenders pay for the interlocks, which costs \$2.50 a day to lease from an interlock vendor. In most states, interlock companies provide interlock devices for offenders who can't afford the devices or an indigent fund is set up by the state, which is funded by other interlock users to cover all or a portion of the costs for these offenders.

Are there ways to bypass the device, like having someone else blow into it? This is possible, and there should be strict penalties for attempting to bypass the device. Interlocks are required to have anti-circumvention features that prevent such activity. One of these features is the running retest, which requires offenders to blow into the device at random intervals once the vehicle has been allowed to start. The tests are not designed to be done while the car is actually rolling. Interlocks give people a few minutes – enough time to pull over – to retest.

What if someone else drives the vehicle with the interlock and fails a retest?

This is possible, but with states requiring the use camera interlocks to verify the user, this is becoming a non-issue. However, when someone commits a crime, he/she is responsible for the consequences of his/her actions. If an interlock is one of these consequences, then the offender is responsible for making sure those driving his/her vehicle do not drive intoxicated.

Could an interlock stop a person's car in traffic, making a more dangerous hazard?

Interlocks are hooked up to a vehicle's starter system, not to the engine itself. The interlock does not have the ability to stop the vehicle once it is running for safety reasons. When a driver fails a running retest, the vehicle's horn will honk and/or the lights will flash to alert law enforcement – the vehicle will not stop.

Are interlocks an inconvenience to family members who share the offender's vehicle? No, they can drive the vehicle as well and also taught how to use the device; they simply must blow into the device and prove sobriety before the car will start.

Don't offenders go back to their old behavior after the device is removed? Studies have shown that interlock devices decrease recidivism by 67 percent while installed on the vehicle. When removed, these rates could go back to normal. As a result, more states are enacting laws including compliance based removal of the interlock where an offender must have a certain period prior to removing the device with no recordable violations such as consecutive running retest failures or multiple positive tests for alcohol.

Anti-circumvention Technology.

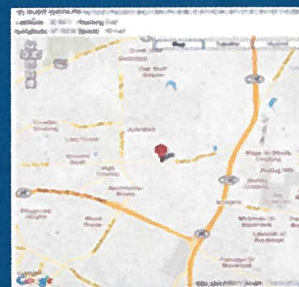
Interlocks require a deep lung sample and an offender is taught to use the device and must typically blow, suck or hum to prevent circumvention attempts such as having a child or balloon deflate to get around the interlock. Here are other anti-circumvention features.

Camera to verify user



A camera eliminates the excuse that the interlock violation was by another person. It also ensures the offender is the one using the device. The camera is safely mounted near the dashboard.

Real time reporting of interlock violations



Some interlocks have GPS and/or cellular ability to report recordable violations to a monitoring agency immediately, as opposed to waiting days for a violation to be reported.

Status of State Ignition Interlock Laws



Interlock requirement starts on the first conviction

Mandatory with a BAC of .08 or greater		Mandatory with a BAC of .15 or greater	
Alabama (7/14)	Mississippi (10/14)	Florida (10/08)	Wisconsin (7/10)
Alaska (1/09)	Missouri (3/14)	Iowa** .10 BAC (7/95)	Wyoming (7/09)
Arizona (9/07)	Nebraska (1/09)	Kentucky (7/15)	
Arkansas (4/09)	New Hampshire (1/16)	Maryland (10/11)	
California Pilot Program* (7/10)	New Mexico (6/05)	Michigan .17 BAC (10/10)	
Colorado (1/09)	New York (8/10)	Minnesota .16 BAC (7/11)	
Connecticut (1/12)	Oregon (1/08)	Nevada .18 BAC (7/05)	
Delaware (1/15)	Tennessee (7/13)	New Jersey (1/10)	
Hawaii (1/11)	Texas (9/15)	North Carolina (12/07)	
Illinois (1/09)	Utah (7/09)	Oklahoma (11/11)	
Kansas (7/11)	Virginia (7/12)	Rhode Island (1/15)	
Louisiana (7/07)	Washington (1/09)	South Carolina (10/14)	
Maine (12/13)	West Virginia (7/08)		

(month/year listed note effective date)

Mandatory with a second conviction
Georgia (5/99)
Idaho (10/00)
Indiana (1/15)
Massachusetts (1/06)
Montana (5/09)
Ohio (9/08)
Pennsylvania (10/03)

Not mandatory
Judicial discretion
California for any offender
North Dakota for any offender
Other
DC any offender can choose to go an interlock
South Dakota part of the 24/7 program
Vermont any offender can choose to go an interlock

* California's pilot program covers the counties of Los Angeles, Alameda, Sacramento, and Tulare. These counties combined have a population of over 13 million.

** In Iowa, interlocks are required starting on the first conviction for offenders with a BAC of .10 or greater.